

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE REPUBLIC OF RWANDA,

Plaintiff,

07 Civ. 7663 (JSR)

-against-

**CROSS MOTION FOR  
RESCISSION**

JOSEPH J. FERONE, ESQ.; FERONE &  
FERONE and 333 S. HEALEY AVENUE CORP.,

Defendants.  
-----X

Relief Sought:

Defendant, moves the Court for an Order dismissing the plaintiff's Order to Show Cause and Complaint and granting the relief requested in the Defendants' cross motion for Rescission.

Grounds for Relief:

The grounds for this motion are that a mutual mistake exists in the contract and Plaintiff will be unjustly enriched if the contract as drafted is enforced.

As is more fully explained in the attached Memorandum of Law Rescission should be granted to prevent Plaintiff from being unjustly enriched based upon mutual mistake.

Record Supporting Motion:

This motion is based on the pleadings and papers on file in this action, this motion, the attached Notice of Motion, the Affidavit of Josephine Maffei, the Affirmation of Alfred A. Delicata, Esq. including the Exhibits attached to them, the accompanying Memorandum of Law, and whatever evidence and argument may be heard at any hearing of this motion.

Dated: Eastchester, New York  
September 14, 2007

---

ALFRED A. DELICATA (AD-2875)  
Attorney for Defendants  
484 White Plains Road  
Eastchester, New York 10709  
(914) 337-8080